IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 33664 of 2007(G)

PETITIONER:

R.THULASEEDHARAN, S/O.MADHAVAN
RESIDING AT THOZHUVANCODE CHAMUNDI DEVI TEMPLE OFFICE, KANJIRAMPPARA P.O., VATTIYOORKKAVU, THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE HOME SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **DIRECTOR GENERAL OF POLICE POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM.**

3. **DEPUTY SUPERINTENDENT OF POLICE D.C.R.B., DPI JUNCTION, JAGATHY, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.C.M.KAMMAPPU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & K.P.BALACHANDRAN, JJ.

Writ Petition (C) No.33664 of 2007-G

Judgment

Balakrishnan Nair, J.

The petitioner is the Secretary of Thozhuvancode Chamundi Devi temple, Thozhuvancode. Recently, some employees of the temple were arrested in connection with a crime, involving offences under the Abkari Act. There was an action council formed by the people in the locality, protesting against the illegal arrest of an innocent person, implicating him falsely in an abkari offence. On the basis of the complaint of the said council, a re-investigation was conducted and it was found that the employee was falsely implicated by another employee. The real culprit's son, in retaliation, attacked the convenor of the above said council. Therefore, a crime has been registered against him as Crime No.81/07 for various offences including the one under 307 IPC and Section 27 of the Arms Act. The said accused is absconding and he is suspected to be coming to the temple to visit the employees of the temple, who are his friends. The father of the accused is also an employee in the temple. Therefore, the third respondent, in search of the accused, is

frequently visiting the temple premises. The petitioner submits, now, the said respondent is visiting the temple every day and the same has brought a very bad name to the temple. He also feels that it is a harassment meted out to him and the devotees of the temple. Therefore, this Writ Petition is filed, seeking the following relief :

> *"to issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 3rd respondent not to harass the petitioner and the employees of the Thozhuvancode Chamundi Devi temple in connection with the investigation of Crime No.81/07 of Vattiyoorkkavu police station in the interest of justice."*

2. We feel that the vigilant investigation of a crime and the earnest efforts made to apprehend the accused, who has gone underground after committing a serious offence, cannot be treated as a harassment to any one. The Police have the necessary powers to do the same. Rather, they are duty bound to do it. In the result, the Writ Petition fails and it is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

15.11.2007 **K.P.BALACHANDRAN, JUDGE**

True copy

PA TO JUDGE